

CAPITAL FELONY AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the penalties for a capital felony.

Highlighted Provisions:

This bill:

- increases the indeterminate sentence provision regarding a capital felony from 20 years to 25 years.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-206, as last amended by Laws of Utah 2001, Chapter 209

76-3-207.7, as enacted by Laws of Utah 2007, Chapter 275

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-3-206** is amended to read:

76-3-206. Capital felony -- Penalties.

(1) A person who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with Section 76-3-207. That sentence shall be death, an indeterminate prison term of not less than [20] 25 years and which may be for life, or, on or after April 27, 1992, life in prison without parole.

30 (2) (a) The judgment of conviction and sentence of death is subject to automatic
31 review by the Utah State Supreme Court within 60 days after certification by the sentencing
32 court of the entire record unless time is extended an additional period not to exceed 30 days by
33 the Utah State Supreme Court for good cause shown.

34 (b) The review by the Utah State Supreme Court has priority over all other cases and
35 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

36 Section 2. Section **76-3-207.7** is amended to read:

37 **76-3-207.7. First degree felony aggravated murder -- Noncapital felony --**
38 **Penalties -- Sentenced by court.**

39 (1) A person who has pled guilty to or been convicted of first degree felony aggravated
40 murder under Section 76-5-202 shall be sentenced by the court.

41 (2) The sentence under this section shall be life in prison without parole or an
42 indeterminate prison term of not less than [20] 25 years and which may be for life.